

## **REMARKS**

Claims 10, 12, 14-21 and 23-36 are present in the application. Claims 10, 12, 14, 15, 17, 24-27 and 31 have been amended and claims 35 and 36 have been added. Claims 10 and 14 are independent. Reconsideration of this application, as amended, is respectfully requested.

### **Examiner Interview**

An interview was conducted with the Examiner in charge of the above-identified application on February 13, 2003. Applicants greatly appreciate the courtesy shown by the Examiner during the interview.

In the interview with the Examiner, Applicant proposed to amend claim 10 to recite that the environment inside the filled receptacle holder and the environment inside the housing remain sealed "from each other" when the filled receptacle is removed from the housing. The Examiner indicated that the above amendment appeared to overcome the rejections of record in view of the Finsterwalder et al. and Schaarschmidt et al. references under 35 U.S.C. §§ 102 and 103; however, the above amendment would be a new issue that would require further consideration and search. In view of this, the Examiner indicated that an Amendment presented with such an amendment would not be entered.

In addition, in the interview, Applicant proposed to amend claims 27 and 31 to address the Examiner's rejection under 35 U.S.C. § 112, first paragraph to recite that the receptacle conveyor moves the at least one receptacle to the filling

**Rejection Under 35 U.S.C. § 112, First Paragraph**

Claims 27 and 31 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed.

The Examiner asserts that claims 27 and 31 include two elements; a "receptacle conveyor" and a "mechanism for moving," for moving the at least one receptacle to the filling station and then to the ejection port, while the specification only supports a single element for performing both movements.

As the Examiner will note, claims 27 and 31 have been amended to clarify that the "receptacle conveyor" moves the at least one receptacle to the filling station and the ejection port. Accordingly, the specification as originally filed provides support for the claimed subject matter.

In view of the above amendments and remarks, Applicant respectfully submits that claims 27 and 31 are sufficiently described in the specification as originally filed. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, are respectfully requested.

**Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 10, 12 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Finsterwalder et al, U.S. Patent No. 4,160,382. Claims 10, 12, 18

and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Schaarschmidt et al., U.S. Patent No. 4,662,231. These rejections are respectfully traversed.

The present invention as recited by independent claim 10 is directed to a device for collecting samples from within a sealed system. Independent claim 10 requires a combination of elements including “a housing,” “an empty receptacle holder” and “a filled receptacle holder.” Furthermore, independent claim 10 requires the recitation “said filled receptacle holder for receiving said at least one receptacle therein and being removably mounted to said housing such that the environment inside said housing and the environment inside said filled receptacle holder remain sealed from each other and the ambient environment outside the housing.” With the construction according to independent claim 10 of the present invention, it is possible to supply a receptacle into the inside of the housing to fill the receptacle with the flowable material and remove the receptacle from the inside of the housing into the filled receptacle holder. It is also possible to then remove the filled receptacle holder from the housing with the filled receptacle therein without contaminating the inside of the housing or the inside of the filled receptacle holder and without contaminating the ambient environment outside the housing. Applicant respectfully submits that the references relied on by the Examiner fail to teach or suggest the present invention as recited by independent claim 10.

In particular, referring to the Finsterwalder et al. reference, a sealed glove box includes a removal line 37, which is connected to the cover plate 5 by a hermetic flange connection 41. The Examiner considers the removal line 37 of Finsterwalder et al. to be the filled receptacle holder of the present invention. Referring to Figure 1 of Finsterwalder et al., the removal line 37 is connected to the cover plate 5 with a plate and a bolt. It is the Examiner's position that the removal line 37 is therefore removable. However, independent claim 10 now requires that the filled receptacle holder be removable "such that the environment inside said housing and the environment inside said filled receptacle holder remain sealed from each other and the ambient environment outside the housing." Upon removal of the removal line 37 from the cover plate 5, the environment within the removal line 37 will contaminate the environment inside the housing, since the removal line 37 will be open at least at the entrance opening 40. Therefore, the removal line 37 will not remain sealed from the environment inside the housing when the removal line is removed from the cover plate 5. Accordingly, the Finsterwalder et al. reference fails to anticipate independent claim 1 of the present invention.

With regard to the Schaarschmidt et al. reference, this reference includes a glove box 26, which includes an injection hole 30 and a conveyor conduit 29 which cooperate with an inlet and outlet conduit 27 via a turret 28. The Examiner considers the sealed container 46 to be the filled receptacle holder of the present

invention. In addition, it is the Examiner's position that it would be obvious to make the sealed container removable from the glove box 26.

While not conceding to the Examiner's rejection, but merely to expedite prosecution, as mentioned above, independent claim 10 has been amended to recite that the filled receptacle holder remains sealed from the environment inside the housing when the filled receptacle holder is removed. Upon removal of the sealed container 46 from the glove box 26, the environment within the sealed container will not remain sealed from the environment inside the glove box 26. Accordingly, the Schaarschmidt et al. reference fails to teach or suggest the present invention according to independent claim 1.

With regard to dependent claims 12, 18 and 19, Applicant respectfully submits that these claims are allowable due to their dependence upon allowable independent claim 10, as well as due to the additional limitations recited by these claims.

In view of the above amendments and remarks, Applicant respectfully submits that claims 10, 12, 18 and 19 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

**Allowabl Subj ct Matter**

In the Examiner's Office Action, the Examiner has indicated that claims 14-17, 20, 21 and 23-26 include allowable subject matter. Applicant greatly appreciates the indication of allowable subject matter by the Examiner. However, since independent claim 10 has been amended to overcome the Examiner's rejections under 35 U.S.C. §§ 102 and 103 and claims 27 and 31 have been amended to overcome the Examiner's rejection under 35 U.S.C. § 112, first paragraph, Applicant respectfully submits that all of claims 10, 12, 14-21 and 23-34 are now in condition for allowance. Favorable consideration and early allowance of the present application are therefore respectfully requested.

**Additional claims**

Additional claims 35 and 36 have been added for the Examiner's consideration. Applicant respectfully submits that these claims are allowable due to their respective dependence on independent claims 10 and 14, as well as due to the additional limitations recited by these claims. It should be noted that additional claims 35 and 36 are supported by the original disclosure at paragraphs [0036], [0043] and [0077] of the present specification.

Favorable consideration and allowance of additional claims 35 and 36 are respectfully requested.

### CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for one(1) month extension of time for filing a reply in connection with the present application, and the required fee of **\$55.00** is attached hereto.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made



**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**The claims have been amended as follows:**

10. (Twice Amended) A device for collecting samples from within a sealed system, comprising:

a housing, said housing having an internal cavity sealed from the ambient environment outside the housing, said housing including an injection port and an ejection port formed therein;

an empty receptacle holder, said empty receptacle holder being in communication with said injection port and being sealed with said housing to form a barrier between the environment within the internal cavity of said housing and the ambient environment outside said housing, said empty receptacle holder holding at least one receptacle therein;

a filled receptacle holder, said filled receptacle holder being in communication with said ejection port and being sealed with said housing to form a barrier between the environment within the internal cavity of said housing and the ambient environment outside said housing, said filled receptacle holder for receiving said at least one receptacle therein and being removably mounted to said housing such that the environment inside said housing and the environment inside said filled receptacle holder remain sealed from each other and the [outside] ambient environment outside the housing,

wherein each of said at least one receptacle is movable from said empty receptacle holder into said internal cavity of said housing to be filled with a

flowable material while within said internal cavity of said housing, and said at least one receptacle is movable into said filled receptacle holder to be removed therewith.

12. (Twice Amended) The device for collecting samples from within a sealed system according to claim 10, wherein said filled receptacle holder is a single blind-ended container for receiving said [plurality of receptacles] at least one receptacle therein.

14. (Twice Amended) A device for collecting samples from within a sealed system, comprising:

a housing, said housing having an internal cavity sealed from the ambient environment outside the housing;

a plurality of receptacles, each of said plurality of receptacles being movable into said internal cavity of said housing and fillable with a flowable material while within said internal cavity of said housing, respectively; and

a filled receptacle holder, said filled receptacle [container] holder receiving each of said plurality of receptacles after each of said plurality of receptacles has been filled, said filled receptacle holder being sealed with said housing to form a barrier between the environment within said internal cavity of said housing and the ambient environment outside said housing,

wherein said filled receptacle holder is an integral tube which is separable into a plurality of filled receptacle compartments, a first of said plurality of compartments having an open end thereof forming a seal with said housing, and a last of said plurality of compartments having a closed distal end, each of said plurality of compartments being closable to contain at least one of said plurality of filled receptacles therein in an isolated manner.

15. (Twice Amended) The device for collecting samples from within a sealed system according to claim 14, wherein said last of said plurality of compartments is closable after a first of said plurality of filled receptacles is received therein to isolate said first filled receptacle from the environment within said internal cavity of said housing and from said [outside] ambient environment outside the housing, remaining of said plurality of compartments remaining in an open condition with said internal cavity of said housing to receive a subsequent filled receptacle therein.

17. (Twice Amended) The device for collecting samples from within a sealed system according to claim 15, wherein each of said plurality of compartments is closable by one of the group consisting of heat sealing, zipper sealing, crimping, adhesive sealing, screw capping, twisting, sonicating, tying off, clamping and stoppering.

24. (Amended) The device for collecting samples from within a sealed system according to claim 23, wherein said last of said plurality of compartments is closable after a first of said plurality of filled receptacles is received therein to isolate said first filled receptacle from the environment within said internal cavity of said housing and from said [outside] ambient environment outside said housing, remaining of said plurality of compartments remaining in an open condition with said internal cavity of said housing to receive a subsequent filled receptacle therein.

25. (Amended) The device for collecting samples from within a sealed system according to claim 24, wherein each of said plurality of compartments is closable at opposite ends thereof to isolate adjacent of said plurality of compartments from each other when a respective of said plurality [of] of compartments has received a filled receptacle therein.

26. (Amended) The device for collecting samples from within a sealed system according to claim 24, wherein each of said plurality of compartments is closable by one of the group consisting of heat sealing, zipper sealing, crimping, adhesive sealing, screw capping, twisting, sonicating, tying off, clamping and stoppering.

27. (Amended) The device for collecting samples from within a sealed system according to claim 10, further comprising:

a receptacle conveyor, said receptacle conveyor being movable to transport each of said at least one receptacle to a filling station within said internal cavity of said housing where each of said at least one receptacle is fillable and from said filling station to said ejection port formed in said housing;  
and

a flowable material feeder having an opening at said filling station within said internal cavity of said housing, said flowable material feeder being operable to feed material from a supply source into each of said at least one receptacle[;  
and

a mechanism for moving each of said at least one receptacle from said filling station to said ejection port formed in said housing].

31. (Amended) The device for collecting samples from within a sealed system according to claim 14, further comprising:

a receptacle conveyor, said receptacle conveyor being movable to transport each of said plurality of receptacles to a filling station within said internal cavity of said housing where each of said plurality of receptacles is fillable, respectively and from said filling station to an ejection port formed in said housing; and

a flowable material feeder having an opening at said filling station within said internal cavity of said housing, said flowable material feeder being operable to feed material from a supply source into each of said plurality of receptacles[; and

a mechanism for moving each of said plurality of receptacles from said filling station to an ejection port formed in said housing].

**Claims 35 and 36 have been added.**

station and the ejection port. The Examiner indicated that such an amendment appeared to overcome the rejection.

In view of the above, Applicant has filed a Request for Continued Examination concurrently herewith in order to obtain consideration of the above amendment to claim 10. In view of the amendments and remarks to claim 10, Applicant submits that the application is now in condition for allowance. However, if the Examiner believes the application is not in condition for allowance, Applicant submits that it would not be proper to make a first Office Action final, since the Examiner indicated that the proposed amendments to claim 1 would not be considered unless a Continuation was filed.

As the Examiner will note, claims 10, 27 and 31 have been amended in the manner suggested in the interview with the Examiner. In addition, claims 12, 15, 17 and 24-26 have been amended to correct some minor errors and to make the claims more consistent by reciting the "ambient environment outside the housing," rather than the "outside environment." With specific regard to claims 17 and 26, support for the amendments can be found at paragraph [0077] of the present specification.

Favorable consideration of the present application, as amended, is respectfully requested.